

### **DETAILED ACTION**

This Office Action is in response to amendments/arguments filed 8/31/2009.  
Currently, claims 1 and 3-17 are pending in the instant application.

#### ***Allowable Subject Matter***

Claims 1 and 3-17 are allowed over the prior art of record.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Shalom Wertsberger on 12/10/2009.

The application has been amended as follows:

In Claim 1, Line 18 "the" has been deleted after superiorly to, and - - an - - has been added before anatomical.

In Claim 10, Line 1, "2" has been deleted after claim, and - - 1 - - has been added after claim.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: the prior art of record does not fairly teach or suggest a tension element and compressions element that are combined to form a joint that the positioned posteriorly and superiorly to an anatomical joint. Also, with a tension element that generally flat, substantially coplanar to the inner surface of the inner surface of the orthosis, and anchored to the hinged shell parts on the top and bottom. Lastly, the prior art does no teach or suggest the previous limitations in conjunction with the compression element being a block of material and not a spring.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **CONCLUSION**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DeToro (US Patent 5,088,479), Akita et al. (US Patent 6,171,272), Connelly (US Patent 6,409,695), Barclay (US Patent 3,976,057).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON JACKSON whose telephone number is (571)272-3414. The examiner can normally be reached on Monday - Friday 8-5:30.

Art Unit: 3772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571)272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon Jackson/  
Examiner, Art Unit 3772

/BLJ/

/Patricia Bianco/  
Supervisory Patent Examiner, Art Unit 3772